

SECOND REGULAR SESSION

# SENATE BILL NO. 1028

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Read 1st time February 8, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4760S.01I

## AN ACT

To repeal section 195.017, RSMo, and to enact in lieu thereof two new sections relating to controlled substances, with penalty provisions.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 195.017, RSMo, is repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 195.017 and 195.480, to read as  
3 follows:

195.017. 1. The department of health and senior services shall place a  
2 substance in Schedule I if it finds that the substance:

- 3 (1) Has high potential for abuse; and
- 4 (2) Has no accepted medical use in treatment in the United States or lacks  
5 accepted safety for use in treatment under medical supervision.

6 2. Schedule I:

7 (1) The controlled substances listed in this subsection are included in  
8 Schedule I;

9 (2) Any of the following opiates, including their isomers, esters, ethers,  
10 salts, and salts of isomers, esters, and ethers, unless specifically excepted,  
11 whenever the existence of these isomers, esters, ethers and salts is possible  
12 within the specific chemical designation:

- 13 (a) Acetyl-alpha-methylfentanyl;
- 14 (b) Acetylmethadol;
- 15 (c) Allylprodine;
- 16 (d) Alphacetylmethadol;
- 17 (e) Alphameprodine;
- 18 (f) Alphamethadol;
- 19 (g) Alpha-methylfentanyl;
- 20 (h) Alpha-methylthiofentanyl;

- 21 (i) Benzethidine;
- 22 (j) Betacetylmethadol;
- 23 (k) Beta-hydroxyfentanyl;
- 24 (l) Beta-hydroxy-3-methylfentanyl;
- 25 (m) Betameprodine;
- 26 (n) Betamethadol;
- 27 (o) Betaprodine;
- 28 (p) Clonitazene;
- 29 (q) Dextromoramide;
- 30 (r) Diampromide;
- 31 (s) Diethylthiambutene;
- 32 (t) Difenoxin;
- 33 (u) Dimenoxadol;
- 34 (v) Dimepheptanol;
- 35 (w) Dimethylthiambutene;
- 36 (x) Dioxaphetyl butyrate;
- 37 (y) Dipipanone;
- 38 (z) Ethylmethylthiambutene;
- 39 (aa) Etonitazene;
- 40 (bb) Etixeridine;
- 41 (cc) Furethidine;
- 42 (dd) Hydroxypethidine;
- 43 (ee) Ketobemidone;
- 44 (ff) Levomoramide;
- 45 (gg) Levophenacylmorphane;
- 46 (hh) 3-Methylfentanyl;
- 47 (ii) 3-Methylthiofentanyl;
- 48 (jj) Morpheridine;
- 49 (kk) MPPP;
- 50 (ll) Noracymethadol;
- 51 (mm) Norlevorphanol;
- 52 (nn) Normethadone;
- 53 (oo) Norpipanone;
- 54 (pp) Para-fluorofentanyl;
- 55 (qq) PEPAP;
- 56 (rr) Phenadoxone;
- 57 (ss) Phenampromide;

- 58 (tt) Phenomorphan;  
59 (uu) Phenoperidine;  
60 (vv) Piritramide;  
61 (ww) Proheptazine;  
62 (xx) Properidine;  
63 (yy) Propiram;  
64 (zz) Racemoramide;  
65 (aaa) Thiofentanyl;  
66 (bbb) Tilidine;  
67 (ccc) Trimeperidine;  
68 (3) Any of the following opium derivatives, their salts, isomers and salts  
69 of isomers unless specifically excepted, whenever the existence of these salts,  
70 isomers and salts of isomers is possible within the specific chemical designation:  
71 (a) Acetorphine;  
72 (b) Acetyldihydrocodeine;  
73 (c) Benzylmorphine;  
74 (d) Codeine methylbromide;  
75 (e) Codeine-N-Oxide;  
76 (f) Cyprenorphine;  
77 (g) Desomorphine;  
78 (h) Dihydromorphine;  
79 (i) Drotebanol;  
80 (j) Etorphine; (except Hydrochloride Salt);  
81 (k) Heroin;  
82 (l) Hydromorphenol;  
83 (m) Methyldesorphine;  
84 (n) Methyldihydromorphine;  
85 (o) Morphine methylbromide;  
86 (p) Morphine methyl sulfonate;  
87 (q) Morphine-N-Oxide;  
88 (r) Morphine;  
89 (s) Nicocodeine;  
90 (t) Nicomorphine;  
91 (u) Normorphine;  
92 (v) Pholcodine;  
93 (w) Thebacon;  
94 (4) Any material, compound, mixture or preparation which contains any

95 quantity of the following hallucinogenic substances, their salts, isomers and salts  
96 of isomers, unless specifically excepted, whenever the existence of these salts,  
97 isomers, and salts of isomers is possible within the specific chemical designation:

- 98 (a) 4-bromo-2,5-dimethoxyamphetamine;
- 99 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 100 (c) 2,5-dimethoxyamphetamine;
- 101 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 102 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 103 (f) 4-methoxyamphetamine;
- 104 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 105 (h) 4-methyl-2,5-dimethoxy amphetamine;
- 106 (i) 3,4-methylenedioxyamphetamine;
- 107 (j) 3,4-methylenedioxymethamphetamine;
- 108 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 109 (l) N-nydroxy-3, 4-methylenedioxyamphetamine;
- 110 (m) 3,4,5-trimethoxyamphetamine;
- 111 (n) Alpha-ethyltryptamine;
- 112 (o) Benzylpiperazine or B.P.;
- 113 (p) Bufotenine;
- 114 (q) Diethyltryptamine;
- 115 (r) Dimethyltryptamine;
- 116 (s) Ibogaine;
- 117 (t) Lysergic acid diethylamide;
- 118 (u) Marijuana; (Marihuana);
- 119 (v) Mescaline;
- 120 (w) Parahexyl;
- 121 (x) Peyote, to include all parts of the plant presently classified botanically  
122 as Lophophora Williamsil Lemaire, whether growing or not; the seeds thereof; any  
123 extract from any part of such plant; and every compound, manufacture, salt,  
124 derivative, mixture or preparation of the plant, its seed or extracts;
- 125 (y) N-ethyl-3-piperidyl benzilate;
- 126 (z) N-methyl-3-piperidyl benzilate;
- 127 (aa) Psilocybin;
- 128 (bb) Psilocyn;
- 129 (cc) Tetrahydrocannabinols;
- 130 (dd) Ethylamine analog of phencyclidine;
- 131 (ee) Pyrrolidine analog of phencyclidine;

132 (ff) Thiophene analog of phencyclidine;  
133 (gg) 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;  
134 (hh) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;  
135 (ii) Salvia divinorum;  
136 (jj) Salvinorin A;  
137 (5) Any material, compound, mixture or preparation containing any  
138 quantity of the following substances having a depressant effect on the central  
139 nervous system, including their salts, isomers and salts of isomers whenever the  
140 existence of these salts, isomers and salts of isomers is possible within the specific  
141 chemical designation:  
142 (a) Gamma hydroxybutyric acid;  
143 (b) Mecloqualone;  
144 (c) Methaqualone;  
145 (6) Any material, compound, mixture or preparation containing any  
146 quantity of the following substances having a stimulant effect on the central  
147 nervous system, including their salts, isomers and salts of isomers:  
148 (a) Aminorex;  
149 (b) Cathinone;  
150 (c) Fenethylamine;  
151 (d) Methcathinone;  
152 (e) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro- 4-methyl-5-phenyl-2-oxazoline);  
153 (f) N-ethylamphetamine;  
154 (g) N,N-dimethylamphetamine;  
155 (7) A temporary listing of substances subject to emergency scheduling  
156 under federal law shall include any material, compound, mixture or preparation  
157 which contains any quantity of the following substances:  
158 (a) N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its  
159 optical isomers, salts and salts of isomers;  
160 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide  
161 (thenylfentanyl), its optical isomers, salts and salts of isomers;  
162 (c) Alpha-Methyltryptamine, or (AMT);  
163 (d) 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);  
164 (8) Khat, to include all parts of the plant presently classified botanically  
165 as catha edulis, whether growing or not; the seeds thereof; any extract from any  
166 part of such plant; and every compound, manufacture, salt, derivative, mixture,  
167 or preparation of the plant, its seed or extracts.  
168 3. The department of health and senior services shall place a substance

169 in Schedule II if it finds that:

170 (1) The substance has high potential for abuse;

171 (2) The substance has currently accepted medical use in treatment in the  
172 United States, or currently accepted medical use with severe restrictions; and

173 (3) The abuse of the substance may lead to severe psychic or physical  
174 dependence.

175 4. The controlled substances listed in this subsection are included in  
176 Schedule II:

177 (1) Any of the following substances whether produced directly or indirectly  
178 by extraction from substances of vegetable origin, or independently by means of  
179 chemical synthesis, or by combination of extraction and chemical synthesis:

180 (a) Opium and opiate and any salt, compound, derivative or preparation  
181 of opium or opiate, excluding apomorphine, thebaine-derived butorphanol,  
182 dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone, and their  
183 respective salts but including the following:

- 184 a. Raw opium;
- 185 b. Opium extracts;
- 186 c. Opium fluid;
- 187 d. Powdered opium;
- 188 e. Granulated opium;
- 189 f. Tincture of opium;
- 190 g. Codeine;
- 191 h. Ethylmorphine;
- 192 i. Etorphine hydrochloride;
- 193 j. Hydrocodone;
- 194 k. Hydromorphone;
- 195 l. Metopon;
- 196 m. Morphine;
- 197 n. Oxycodone;
- 198 o. Oxymorphone;
- 199 p. Thebaine;

200 (b) Any salt, compound, derivative, or preparation thereof which is  
201 chemically equivalent or identical with any of the substances referred to in this  
202 subdivision, but not including the isoquinoline alkaloids of opium;

203 (c) Opium poppy and poppy straw;

204 (d) Coca leaves and any salt, compound, derivative, or preparation of coca  
205 leaves, and any salt, compound, derivative, or preparation thereof which is

206 chemically equivalent or identical with any of these substances, but not including  
207 decocainized coca leaves or extractions which do not contain cocaine or ecgonine;

208 (e) Concentrate of poppy straw (the crude extract of poppy straw in either  
209 liquid, solid or powder form which contains the phenanthrene alkaloids of the  
210 opium poppy);

211 (2) Any of the following opiates, including their isomers, esters, ethers,  
212 salts, and salts of isomers, whenever the existence of these isomers, esters, ethers  
213 and salts is possible within the specific chemical designation, dextrorphan and  
214 levopropoxyphene excepted:

215 (a) Alfentanil;

216 (b) Alphaprodine;

217 (c) Anileridine;

218 (d) Bezitramide;

219 (e) Bulk Dextropropoxyphene;

220 (f) Carfentanil;

221 (g) Butyl nitrite;

222 (h) Dihydrocodeine;

223 (i) Diphenoxylate;

224 (j) Fentanyl;

225 (k) Isomethadone;

226 (l) Levo-alphacetylmethadol;

227 (m) Levomethorphan;

228 (n) Levorphanol;

229 (o) Metazocine;

230 (p) Methadone;

231 (q) Meperidine;

232 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;

233 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic  
234 acid;

235 (t) Pethidine;

236 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

237 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

238 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

239 (x) Phenazocine;

240 (y) Piminodine;

241 (z) Racemethorphan;

242 (aa) Racemorphan;

243 (bb) Sufentanil;

244 (3) Any material, compound, mixture, or preparation which contains any  
245 quantity of the following substances having a stimulant effect on the central  
246 nervous system:

247 (a) Amphetamine, its salts, optical isomers, and salts of its optical  
248 isomers;

249 (b) Methamphetamine, its salts, isomers, and salts of its isomers;

250 (c) Phenmetrazine and its salts;

251 (d) Methylphenidate;

252 (4) Any material, compound, mixture, or preparation which contains any  
253 quantity of the following substances having a depressant effect on the central  
254 nervous system, including its salts, isomers, and salts of isomers whenever the  
255 existence of those salts, isomers, and salts of isomers is possible within the  
256 specific chemical designation:

257 (a) Amobarbital;

258 (b) Glutethimide;

259 (c) Pentobarbital;

260 (d) Phencyclidine;

261 (e) Secobarbital;

262 (5) Any material, compound or compound which contains any quantity of  
263 nabilone;

264 (6) Any material, compound, mixture, or preparation which contains any  
265 quantity of the following substances:

266 (a) Immediate precursor to amphetamine and methamphetamine:  
267 Phenylacetone;

268 (b) Immediate precursors to phencyclidine (PCP):

269 a. 1-phenylcyclohexylamine;

270 b. 1-piperidinocyclohexanecarbonitrile (PCC).

271 5. The department of health and senior services shall place a substance  
272 in Schedule III if it finds that:

273 (1) The substance has a potential for abuse less than the substances listed  
274 in Schedules I and II;

275 (2) The substance has currently accepted medical use in treatment in the  
276 United States; and

277 (3) Abuse of the substance may lead to moderate or low physical  
278 dependence or high psychological dependence.

279 6. The controlled substances listed in this subsection are included in

## 280 Schedule III:

281 (1) Any material, compound, mixture, or preparation which contains any  
282 quantity of the following substances having a potential for abuse associated with  
283 a stimulant effect on the central nervous system:

- 284 (a) Benzphetamine;
- 285 (b) Chlorphentermine;
- 286 (c) Clortermine;
- 287 (d) Phendimetrazine;

288 (2) Any material, compound, mixture or preparation which contains any  
289 quantity or salt of the following substances or salts having a depressant effect on  
290 the central nervous system:

291 (a) Any material, compound, mixture or preparation which contains any  
292 quantity or salt of the following substances combined with one or more active  
293 medicinal ingredients:

- 294 a. Amobarbital;
- 295 b. Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers  
296 contained in a drug product for which an application has been approved under  
297 Section 505 of the Federal Food, Drug, and Cosmetic Act;

- 298 c. Secobarbital;
- 299 d. Pentobarbital;

300 (b) Any suppository dosage form containing any quantity or salt of the  
301 following:

- 302 a. Amobarbital;
- 303 b. Secobarbital;
- 304 c. Pentobarbital;
- 305 (c) Any substance which contains any quantity of a derivative of barbituric  
306 acid or its salt;

- 307 (d) Chlorhexadol;
- 308 (e) Ketamine, its salts, isomers, and salts of isomers;
- 309 (f) Lysergic acid;
- 310 (g) Lysergic acid amide;
- 311 (h) Methyprylon;
- 312 (i) Sulfondiethylmethane;
- 313 (j) Sulfonethylmethane;
- 314 (k) Sulfonmethane;
- 315 (l) Tiletamine and zolazepam or any salt thereof;
- 316 (3) Nalorphine;

317 (4) Any material, compound, mixture, or preparation containing limited  
318 quantities of any of the following narcotic drugs or their salts:

319 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not  
320 more than ninety milligrams per dosage unit, with an equal or greater quantity  
321 of an isoquinoline alkaloid of opium;

322 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not  
323 more than ninety milligrams per dosage unit with one or more active, nonnarcotic  
324 ingredients in recognized therapeutic amounts;

325 (c) Not more than three hundred milligrams of hydrocodone per one  
326 hundred milliliters or not more than fifteen milligrams per dosage unit, with a  
327 fourfold or greater quantity of an isoquinoline alkaloid of opium;

328 (d) Not more than three hundred milligrams of hydrocodone per one  
329 hundred milliliters or not more than fifteen milligrams per dosage unit, with one  
330 or more active nonnarcotic ingredients in recognized therapeutic amounts;

331 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters  
332 or more than ninety milligrams per dosage unit, with one or more active  
333 nonnarcotic ingredients in recognized therapeutic amounts;

334 (f) Not more than three hundred milligrams of ethylmorphine per one  
335 hundred milliliters or not more than fifteen milligrams per dosage unit, with one  
336 or more active, nonnarcotic ingredients in recognized therapeutic amounts;

337 (g) Not more than five hundred milligrams of opium per one hundred  
338 milliliters or per one hundred grams or not more than twenty-five milligrams per  
339 dosage unit, with one or more active nonnarcotic ingredients in recognized  
340 therapeutic amounts;

341 (h) Not more than fifty milligrams of morphine per one hundred milliliters  
342 or per one hundred grams, with one or more active, nonnarcotic ingredients in  
343 recognized therapeutic amounts;

344 (5) Any material, compound, mixture, or preparation containing any of the  
345 following narcotic drugs or their salts, as set forth in subdivision (6) of this  
346 subsection; buprenorphine;

347 (6) Anabolic steroids. Any drug or hormonal substance, chemically and  
348 pharmacologically related to testosterone (other than estrogens, progestins, and  
349 corticosteroids) that promotes muscle growth, except an anabolic steroid which is  
350 expressly intended for administration through implants to cattle or other  
351 nonhuman species and which has been approved by the Secretary of Health and  
352 Human Services for that administration. If any person prescribes, dispenses, or  
353 distributes such steroid for human use, such person shall be considered to have

354 prescribed, dispensed, or distributed an anabolic steroid within the meaning of  
355 this paragraph. Unless specifically excepted or unless listed in another schedule,  
356 any material, compound, mixture or preparation containing any quantity of the  
357 following substances, including its salts, isomers and salts of isomers whenever  
358 the existence of such salts of isomers is possible within the specific chemical  
359 designation:

- 360 (a) Boldenone;
- 361 (b) Chlorotestosterone (4-Chlortestosterone);
- 362 (c) Clostebol;
- 363 (d) Dehydrochlormethyltestosterone;
- 364 (e) Dihydrotestosterone (4-Dihydro-testosterone);
- 365 (f) Drostanolone;
- 366 (g) Ethylestrenol;
- 367 (h) Fluoxymesterone;
- 368 (i) Formebolone (Formebolone);
- 369 (j) Mesterolone;
- 370 (k) Methandienone;
- 371 (l) Methandranone;
- 372 (m) Methandriol;
- 373 (n) Methandrostenolone;
- 374 (o) Methenolone;
- 375 (p) Methyltestosterone;
- 376 (q) Mibolerone;
- 377 (r) Nandrolone;
- 378 (s) Norethandrolone;
- 379 (t) Oxandrolone;
- 380 (u) Oxymesterone;
- 381 (v) Oxymetholone;
- 382 (w) Stanolone;
- 383 (x) Stanozolol;
- 384 (y) Testolactone;
- 385 (z) Testosterone;
- 386 (aa) Trenbolone;
- 387 (bb) Any salt, ester, or isomer of a drug or substance described or listed  
388 in this subdivision, if that salt, ester or isomer promotes muscle growth except an  
389 anabolic steroid which is expressly intended for administration through implants  
390 to cattle or other nonhuman species and which has been approved by the

391 Secretary of Health and Human Services for that administration;

392 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin  
393 capsule in a United States Food and Drug Administration approved drug  
394 product. Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-  
395 tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol, or (-)-  
396 delta-9-(trans)-tetrahydracannabinol);

397 (8) The department of health and senior services may except by rule any  
398 compound, mixture, or preparation containing any stimulant or depressant  
399 substance listed in subdivisions (1) and (2) of this subsection from the application  
400 of all or any part of sections 195.010 to 195.320 if the compound, mixture, or  
401 preparation contains one or more active medicinal ingredients not having a  
402 stimulant or depressant effect on the central nervous system, and if the  
403 admixtures are included therein in combinations, quantity, proportion, or  
404 concentration that vitiate the potential for abuse of the substances which have a  
405 stimulant or depressant effect on the central nervous system.

406 7. The department of health and senior services shall place a substance  
407 in Schedule IV if it finds that:

408 (1) The substance has a low potential for abuse relative to substances in  
409 Schedule III;

410 (2) The substance has currently accepted medical use in treatment in the  
411 United States; and

412 (3) Abuse of the substance may lead to limited physical dependence or  
413 psychological dependence relative to the substances in Schedule III.

414 8. The controlled substances listed in this subsection are included in  
415 Schedule IV:

416 (1) Any material, compound, mixture, or preparation containing any of the  
417 following narcotic drugs or their salts calculated as the free anhydrous base or  
418 alkaloid, in limited quantities as set forth below:

419 (a) Not more than one milligram of difenoxin and not less than twenty-five  
420 micrograms of atropine sulfate per dosage unit;

421 (b) Dextropropoxyphene (alpha-(+)-4-dimethyl-amino-1, 2-diphenyl-3-methyl-2-  
422 propionoxybutane);

423 (c) Any of the following limited quantities of narcotic drugs or their salts,  
424 which shall include one or more nonnarcotic active medicinal ingredients in  
425 sufficient proportion to confer upon the compound, mixture or preparation  
426 valuable medicinal qualities other than those possessed by the narcotic drug  
427 alone:

428           a. Not more than two hundred milligrams of codeine per one hundred  
429 milliliters or per one hundred grams;

430           b. Not more than one hundred milligrams of dihydrocodeine per one  
431 hundred milliliters or per one hundred grams;

432           c. Not more than one hundred milligrams of ethylmorphine per one  
433 hundred milliliters or per one hundred grams;

434           (2) Any material, compound, mixture or preparation containing any  
435 quantity of the following substances, including their salts, isomers, and salts of  
436 isomers whenever the existence of those salts, isomers, and salts of isomers is  
437 possible within the specific chemical designation:

438           (a) Alprazolam;

439           (b) Barbitol;

440           (c) Bromazepam;

441           (d) Camazepam;

442           (e) Chloral betaine;

443           (f) Chloral hydrate;

444           (g) Chlordiazepoxide;

445           (h) Clobazam;

446           (i) Clonazepam;

447           (j) Clorazepate;

448           (k) Clotiazepam;

449           (l) Cloxazolam;

450           (m) Delorazepam;

451           (n) Diazepam;

452           (o) Dichloralphenazone;

453           (p) Estazolam;

454           (q) Ethchlorvynol;

455           (r) Ethinamate;

456           (s) Ethyl loflazepate;

457           (t) Fludiazepam;

458           (u) Flunitrazepam;

459           (v) Flurazepam;

460           (w) Halazepam;

461           (x) Haloxazolam;

462           (y) Ketazolam;

463           (z) Loprazolam;

464           (aa) Lorazepam;

- 465 (bb) Lormetazepam;  
466 (cc) Mebutamate;  
467 (dd) Medazepam;  
468 (ee) Meprobamate;  
469 (ff) Methohexital;  
470 (gg) Methylphenobarbital;  
471 (hh) Midazolam;  
472 (ii) Nimetazepam;  
473 (jj) Nitrazepam;  
474 (kk) Nordiazepam;  
475 (ll) Oxazepam;  
476 (mm) Oxazolam;  
477 (nn) Paraldehyde;  
478 (oo) Petrichloral;  
479 (pp) Phenobarbital;  
480 (qq) Pinazepam;  
481 (rr) Prazepam;  
482 (ss) Quazepam;  
483 (tt) Temazepam;  
484 (uu) Tetrazepam;  
485 (vv) Triazolam;  
486 (ww) Zaleplon;  
487 (xx) Zolpidem;  
488 **(yy) Zopiclone, including its salts, isomers, and salts of isomers;**  
489 (3) Any material, compound, mixture, or preparation which contains any  
490 quantity of the following substance including its salts, isomers and salts of  
491 isomers whenever the existence of such salts, isomers and salts of isomers is  
492 possible: fenfluramine;  
493 (4) Any material, compound, mixture or preparation containing any  
494 quantity of the following substances having a stimulant effect on the central  
495 nervous system, including their salts, isomers and salts of isomers:  
496 (a) Cathine ((+)-norpseudoephedrine);  
497 (b) Diethylpropion;  
498 (c) Fencamfamin;  
499 (d) Fenproporex;  
500 (e) Mazindol;  
501 (f) Mefenorex;

502 (g) Modafinil;  
503 (h) Pemoline, including organometallic complexes and chelates thereof;  
504 (i) Phentermine;  
505 (j) Pipradrol;  
506 (k) Sibutramine;  
507 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);  
508 (5) Any material, compound, mixture or preparation containing any  
509 quantity of the following substance, including its salts:  
510 (a) butorphanol;  
511 (b) pentazocine;  
512 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when  
513 the substance is the only active medicinal ingredient;  
514 (7) The department of health and senior services may except by rule any  
515 compound, mixture, or preparation containing any depressant substance listed in  
516 subdivision (1) of this subsection from the application of all or any part of sections  
517 195.010 to 195.320 if the compound, mixture, or preparation contains one or more  
518 active medicinal ingredients not having a depressant effect on the central nervous  
519 system, and if the admixtures are included therein in combinations, quantity,  
520 proportion, or concentration that vitiate the potential for abuse of the substances  
521 which have a depressant effect on the central nervous system.

522 9. The department of health and senior services shall place a substance  
523 in Schedule V if it finds that:

524 (1) The substance has low potential for abuse relative to the controlled  
525 substances listed in Schedule IV;  
526 (2) The substance has currently accepted medical use in treatment in the  
527 United States; and  
528 (3) The substance has limited physical dependence or psychological  
529 dependence liability relative to the controlled substances listed in Schedule IV.

530 10. The controlled substances listed in this subsection are included in  
531 Schedule V:

532 (1) Any compound, mixture or preparation containing any of the following  
533 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in  
534 limited quantities as set forth below, which also contains one or more nonnarcotic  
535 active medicinal ingredients in sufficient proportion to confer upon the compound,  
536 mixture or preparation valuable medicinal qualities other than those possessed  
537 by the narcotic drug alone:

538 (a) Not more than two and five-tenths milligrams of diphenoxylate and not

539 less than twenty-five micrograms of atropine sulfate per dosage unit;

540 (b) Not more than one hundred milligrams of opium per one hundred  
541 milliliters or per one hundred grams;

542 (c) Not more than five-tenths milligram of difenoxin and not less than  
543 twenty-five micrograms of atropine sulfate per dosage unit;

544 (2) Any material, compound, mixture or preparation which contains any  
545 quantity of the following substance having a stimulant effect on the central  
546 nervous system including its salts, isomers and salts of isomers: pyrovalerone;

547 (3) Any compound, mixture, or preparation containing any detectable  
548 quantity of pseudoephedrine or its salts or optical isomers, or salts of optical  
549 isomers or any compound, mixture, or preparation containing any detectable  
550 quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

551 **(4) Depressants. Unless specifically exempted or excluded or**  
552 **unless listed in another schedule, any material, compound, mixture, or**  
553 **preparation which contains any quantity of the following substances**  
554 **having a depressant effect on the central nervous system, including its**  
555 **salts: Pregabalin ((S)-3-(aminomethyl)-5-methylhexanoic acid).**

556 11. If any compound, mixture, or preparation as specified in subdivision  
557 (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy  
558 without a prescription:

559 (1) All packages of any compound, mixture, or preparation containing any  
560 detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of  
561 optical isomers or ephedrine, its salts or optical isomers, or salts of optical  
562 isomers, shall be offered for sale only from behind a pharmacy counter where the  
563 public is not permitted, and only by a registered pharmacist or registered  
564 pharmacy technician; and

565 (2) Any person purchasing, receiving or otherwise acquiring any  
566 compound, mixture, or preparation containing any detectable quantity of  
567 pseudoephedrine, its salts or optical isomers, or salts of optical isomers or  
568 ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least  
569 eighteen years of age; and

570 (3) The pharmacist or registered pharmacy technician shall require any  
571 person purchasing, receiving or otherwise acquiring such compound, mixture, or  
572 preparation, who is not known to the pharmacist or registered pharmacy  
573 technician, to furnish suitable photo identification showing the date of birth of the  
574 person.

575 12. Within ninety days of the enactment of this section, pharmacists and

576 registered pharmacy technicians shall implement and maintain a written or  
577 electronic log of each transaction. Such log shall include the following  
578 information:

- 579 (1) The name and address of the purchaser;
- 580 (2) The amount of the compound, mixture, or preparation purchased;
- 581 (3) The date of each purchase; and
- 582 (4) The name or initials of the pharmacist or registered pharmacy  
583 technician who dispensed the compound, mixture, or preparation to the purchaser.

584 13. No person shall dispense, sell, purchase, receive, or otherwise acquire  
585 quantities greater than those specified in this chapter.

586 14. Within thirty days of the enactment of this section, all persons who  
587 dispense or offer for sale pseudoephedrine and ephedrine products in a pharmacy  
588 shall ensure that all such products are located only behind a pharmacy counter  
589 where the public is not permitted.

590 15. Within thirty days of the enactment of this section, any business  
591 entity which sells ephedrine or pseudoephedrine products in the course of  
592 legitimate business which is in the possession of pseudoephedrine and ephedrine  
593 products, and which does not have a state and federal controlled substances  
594 registration, shall return these products to a manufacturer or distributor or  
595 transfer them to an authorized controlled substances registrant.

596 16. Any person who knowingly or recklessly violates the provisions of  
597 subsections 11 to 15 of this section is guilty of a class A misdemeanor.

598 17. The scheduling of substances specified in subdivision (3) of subsection  
599 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply  
600 to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel  
601 capsule form.

602 18. The manufacturer of a drug product or another interested party may  
603 apply with the department of health and senior services for an exemption from  
604 this section. The department of health and senior services may grant an  
605 exemption by rule from this section if the department finds the drug product is  
606 not used in the illegal manufacture of methamphetamine or other controlled or  
607 dangerous substances. The department of health and senior services shall rely  
608 on reports from law enforcement and law enforcement evidentiary laboratories in  
609 determining if the proposed product can be used to manufacture illicit controlled  
610 substances.

611 19. The department of health and senior services shall revise and  
612 republish the schedules annually.

613           20. The department of health and senior services shall promulgate rules  
614 under chapter 536, RSMo, regarding the security and storage of Schedule V  
615 controlled substances, as described in subdivision (3) of subsection 10 of this  
616 section, for distributors as registered by the department of health and senior  
617 services.

**195.480. 1. As used in this section, the following words or phrases**  
2 **mean:**

3           (1) "Drug or alcohol test", a lawfully administered test designed  
4 to detect the presence of a controlled substance or alcohol in the  
5 biological sample of an individual, including but not limited to samples  
6 of blood, urine, hair, or fingernails;

7           (2) "Fraudulent acts", include but are not limited to:

8           (a) Possession of false tubing, bladders, containers, and other  
9 devices concealed on the body to provide a false biological sample;

10          (b) Submitting a false or adulterated biological sample to be  
11 tested;

12          (c) Submitting a biological sample that was collected from  
13 another person or animal;

14          (d) Adulterating a biological sample with the intent to thwart or  
15 defraud a drug or alcohol test; or

16          (e) Submitting false documents or false material statements with  
17 the intent of thwarting or defrauding a drug or alcohol test.

18          2. A person commits the offense of falsifying a drug or alcohol test  
19 or attempting to falsify or defraud a drug or alcohol test if the person  
20 knowingly and intentionally commits a fraudulent act to falsify or  
21 defraud a drug or alcohol test.

22          3. It shall be unlawful for any person to manufacture, possess,  
23 sell, give away, distribute, or market a biological sample in this state or  
24 transport a biological sample in this state, with the intent of using the  
25 biological sample to thwart or defraud a drug or alcohol test.

26          4. It shall be unlawful for any person to manufacture, possess,  
27 sell, give away, distribute, or market substances that are intended to be  
28 used to adulterate a biological sample for the purpose of thwarting or  
29 defrauding a drug or alcohol test.

30          5. A violation of subsection 2 of this section shall be deemed a  
31 class C felony. A violation of subsections 3 or 4 of this section shall be  
32 deemed a class A misdemeanor.



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